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## NOTICE OF ALLOWANCE AND FEE(S) DUE

60300 7590 03/29/2009

LAW OFFICES OF CHARLES GUENZER  
ATTN: APPLIED MATERIALS, INC.  
2211 PARK BOULEVARD  
P.O. BOX 60729  
PALO ALTO, CA 94306

EXAMINER

MUSLEH, MOHAMAD A

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 03/20/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,132	12/02/2003	Anthony Vesci	AM-8811	4735

TITLE OF INVENTION: MAGNET SECURED IN A TWO PART SHELL

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	06/22/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** Mail **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
 or Fax **(571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

60300 7590 03/29/2009

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**PALO ALTO, CA 94306**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,132	12/02/2003	Anthony Vesci	AM-8811	4735

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	06/22/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
MUSLEH, MOHAMAD A	2832	335-285000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB-122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB-47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_  
 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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10/727,132

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## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1067 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1067 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

# Notice of Allowability

## Application No.

10/727,132

## Examiner

MOHAMAD A. MUSLEH

## Applicant(s)

VESCI ET AL.

## Art Unit

2832

### - The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/23/2009.
2. ☒ The allowed claim(s) is/are 1-9,14-19 and 22-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/Mohamad A Musleh/  
Examiner, Art Unit 2832

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with **Charles Guenzer** on **03/13/2009**.

The application has been amended as follows:

2. in the **specification**:

a. in **page 5, line 17**, after **[greater than]**, **delete --0.25mm--**, then **add --0.025mm--**

b. in **page 14, line 13**, after **[can walls]**, **delete --128,130--**, then **add --138, 140—**

3. in **claims**:

a. In **claim 1**, **delete --An encapsulated magnet, comprising: a magnetizable member having a lateral side extending along an axis; a first can having a first sidewall extending along said axis outside of said lateral side and a first end transverse to said axis and integral with said first sidewall; a second can having a second sidewall extending along said axis outside of said lateral side, a second end transverse to said axis and integral with said second sidewall, and a first annular lip extending along said axis, integral with said second sidewall on a side thereof opposite said second end, surrounding the first sidewall, and disposed on**

a side of said first sidewall opposite said magnetic member; and an adhesive disposed between and binding together (a) said magnetizable member and said first and second sidewalls and (b) said first sidewall and said lip, whereby said magnetic member and said first and second cans are bonded together.--, then **add ---** An encapsulated magnet, comprising: a magnetizable member having a lateral side extending along an axis; a first can having a first sidewall extending along said axis outside of said lateral side and a first end transverse to said axis and integral with said first sidewall; a second can having a second sidewall extending along said axis outside of said lateral side, a second end transverse to said axis and integral with said second sidewall, and a first annular lip extending along said axis, integral with said second sidewall on a side thereof opposite said second end, extending more radially outwardly from the axis than does said second sidewall, surrounding the first sidewall with a clearance between an inner side of the lip and an outer side of the first sidewall of less than 0.2mm and greater than 0.013mm, and disposed on a side of said first sidewall opposite said magnetic member; and an adhesive disposed between and binding together (a) said magnetizable member and said first and second sidewalls and (b) said first sidewall and said lip, whereby said magnetic member and said first and second cans are bonded together. --

b. **Cancel claims 10-13**

c. In **claim 14, delete ---** A pair of cans configured to protect a cylindrical member, comprising: a first can comprising a first continuous can member

comprising a first sidewall circularly symmetric about and extending along a first axis, having an inner first diameter and an outer second diameter differing therebetween by twice a first wall thickness, and a first end extending transversely to said first axis, having a first end thickness, and connected to said first sidewall; and a second can comprising a second continuous can member comprising a second sidewall circularly symmetric about and extending along a second axis disposable along said first axis, having an inner third diameter and an outer fourth diameter differing therebetween by twice a second wall thickness, a second end extending transversely to said second axis and connected to said second sidewall, and a third sidewall circularly symmetric about and extending along said second axis, having an inner fifth diameter larger than said second diameter by a first clearance of less than 0.25mm and an outer sixth diameter greater than said fifth diameter by twice a third wall thickness, and connected to said second sidewall on a side thereof opposite said second end; whereby said third sidewall is slidable over a radial outside of said first sidewall so that said first and second can members are able to partially overlap along said first axis. --, then add --- An encapsulated magnet, comprising: a magnetizable member having a lateral side extending along an axis; a first can comprising a first continuous can member comprising a first sidewall circularly symmetric about and extending along a first axis, having an inner first diameter and an outer second diameter differing therebetween by twice a first wall thickness, and a first end extending transversely to said first axis, having a first end thickness, and

connected to said first sidewall; a second can comprising a second continuous can member comprising a second sidewall circularly symmetric about and extending along a second axis disposable along said first axis, having an inner third diameter and an outer fourth diameter differing therebetween by twice a second wall thickness, a second end extending transversely to said second axis and connected to said second sidewall, and a third sidewall circularly symmetric about and extending along said second axis, having an inner fifth diameter larger than said second diameter and separated from the second diameter by a first clearance of less than 0.2mm and greater than 0.013mm and an outer sixth diameter greater than said fifth diameter by twice a third wall thickness, and connected to said second sidewall on a side thereof opposite said second end, whereby said third sidewall is slidable over a radial outside of said first sidewall so that said first and second can members are able to partially overlap along said first axis to encapsulate the magnetizable member.—

d. In **claim 15, line 1, delete** --the pair of cans of Claim-- , then **add** --the encapsulated magnet of Claim—

e. In **claims 16-19 and 22-23, line 1, delete** --the pair of cans of Claim-- , then **add** --the encapsulated magnet of Claim--

f. **Cancel claims 20-21**

g. In **claim 24, line 1, after first , add** --magnetizable-- . In **line 9, after axis, add** --more radially outwardly from said axis greater than does said second sidewall,-- . In **line 10, after therebetween, add** --of less than 0.2mm and greater



than 0.013mm;--. In **line 14**, after **axis**, **add --**to encapsulate the magnetizable member.--

h. In **claim 29, line 14**, after **along said axis**, **delete --** and having an interior surface accommodating said first sidewall; an adhesive bonding said rod magnet to said first and second sidewalls and bonding said first and third sidewalls together.--, then **add --**more radially outwardly than does said second sidewall, and having an interior surface accommodating said first sidewall, wherein a radius of an interior of said third sidewall is larger than a radius of an exterior of said first sidewall by less than 0.2mm and greater than 0.013mm; an adhesive bonding said rod magnet to said first and second sidewalls and bonding said first and third sidewalls together.--

i. **Cancel claims 32-35 and 37**

#### **Election/Restrictions**

4. **Claim 1** is allowable. The restriction requirement between **species 1-5**, as set forth in the Office action mailed on **04/21/2008** and **08/06/2008**, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim. Claims 6-7, directed to specie 4 [fig. 13] no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim.**

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is

anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

#### **Allowable Subject Matter**

5. **Claims 1-9/14-19/22-31** are allowed.
6. The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or suggest, in the claimed combination an encapsulated magnet, comprising: a magnetizable member, and a first can having a first sidewall and a first end transverse to an axis and integral with the first sidewall, a second can having a second sidewall extending along the axis outside of the magnetizable member lateral side, a second end transverse to the axis and integral with the second sidewall, and a first annular lip extending along the axis, integral with the second sidewall on a side thereof opposite the second end, extending more radially outwardly from the axis than does the second sidewall, surrounding the first sidewall with a clearance between an inner side of the lip and an outer side of the first sidewall of less than 0.2mm and greater than 0.013mm, and disposed on a side of the first sidewall opposite the magnetic member, and an adhesive disposed between and binding together (a) the magnetizable member and the first and second sidewalls and (b) the first sidewall and

the lip, whereby the magnetic member and the first and second cans are bonded together.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mohamad A. Musleh** whose telephone number is **(571) 272-9086**.

The examiner can normally be reached on M-F (7:30-5:00 Est. Time) 1st Friday Off. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Elvin G. Enad** can be reached on **(571) 272-1990**.

The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (**PAIR**) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (**EBC**) at **866-217-9197 (toll-free)**. If you would like

Art Unit: 2832

assistance from a USPTO Customer Service Representative or access to the automated information system, call **800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

**/Mohamad A Musleh/  
Examiner, Art Unit 2832**

**/Elvin G Enad/  
Supervisory Patent Examiner, Art  
Unit 2832**